

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

|                     |   |                  |
|---------------------|---|------------------|
| JAY PATTON #136193, | ) |                  |
|                     | ) |                  |
| Plaintiff,          | ) |                  |
|                     | ) |                  |
| v.                  | ) | No.: 3:13-cv-147 |
|                     | ) | (VARLAN/SHIRLEY) |
| G. NANCE, et al.,   | ) |                  |
|                     | ) |                  |
| Defendants.         | ) |                  |

**MEMORANDUM**

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. The plaintiff was ordered to show cause why this action should not be dismissed for failure to prosecute. The plaintiff has failed to respond to the Court's Order within the time required. Accordingly, this action will be **DISMISSED WITHOUT PREJUDICE** for plaintiff's failure to prosecute and to comply with the Orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The Court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

**AN APPROPRIATE ORDER WILL ENTER.**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE